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Chair: Mr. Iwasawa

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant

Fourth periodic report of Guatemala (CCPR/C/GTM/4; CCPR/C/GTM/QPR/4)

1. *At the invitation of the Chair, the delegation of Guatemala took places at the Committee table.*

2. **Mr. Borrayo Reyes** (Guatemala), introducing the fourth periodic report of Guatemala (CCPR/C/GTM/4), said that, since submission of the report, the State party had adopted the Act on the Genetic Databank for Forensic Purposes, the Act on School Meals and the Migration Code, and it had amended the Civil Code to prohibit persons under the age of 18 from marrying.

3. Policies in areas such as the protection of children and adolescents, decent work and agriculture had been adopted. Policies to support victims of violence or discrimination on grounds of sexual orientation or sexual identity had been introduced in relevant agencies such as the Registry Office, the National Institute of Forensic Sciences, the Public Criminal Defence Institute and the prison system. Between 2016 and 2018 the Public Prosecution Service had received 538 complaints and obtained 7 convictions. In the 2015 general elections 54 per cent of registered voters had been women.

4. The Inter-Agency Coordinating Unit for Indigenous Peoples had been created and, in the context of the International Decade for People of African Descent, the Inter-Agency Working Group on People of African Descent had been set up. In addition, the Guatemalan Indigenous Fund had been extended for 20 years.

5. In the area of labour, judicial proceedings were under way in 223 of the 417 complaints of discrimination brought between 2015 and 2018, while the Inspectorate General for Labour had recovered over 1.5 billion quetzales on workers' behalf in the wake of over 70,000 inspections. There were currently 790,000 children and adolescents engaged in child labour, a drop from the previous figure of 850,000.

6. In order to combat violence against women the Public Criminal Defence Institute had set up a new central office to assist victims, with 15 branches around the country, while the Public Prosecution Service had opened offices in the country's main hospitals to deal with victims of sexual violence. A new national strategy on the prevention of violence and crime was in place. The Supreme Court had recently created a second Division of Femicide Appeals, and special courts to try cases of femicide and other forms of violence against women were shortly to open in two departments.

7. Nearly 120,000 complaints of violence against women had been received since 2016 and 3,621 convictions had been obtained in the 4,707 cases opened. Psychological treatment and financial compensation were provided to survivors in the event of a conviction. The National Coordination Agency for the Prevention of Domestic Violence and Violence against Women had been reactivated. An allocation of 20.5 million quetzales had been made to strengthen the Comprehensive Support Centres for Women Survivors of Violence, which had attended over 14,000 women and children in 2017. A special prosecutor's office for femicide had been created in accordance with the Act on Femicide and Other Forms of Violence against Women and in compliance with the Inter-American Court of Human Rights judgment in the *Veliz Franco* case. The special prosecutor had obtained 32 convictions.

8. Torture had now been duly defined in the Criminal Code in line with the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and of the Inter-American Convention to Prevent and Punish Torture, and the Public Prosecution Service had received 10 complaints of torture between 2015 and 2017.

9. Measures to combat impunity included the 2016–2018 National Plan for Open Government, which had facilitated access to public information. The Public Prosecution Service had received nearly 18,000 complaints of corruption between 2015 and 2018 and obtained 375 convictions. The Ríos Montt proceedings and other amnesty cases were still ongoing in the courts.

10. Bill No. 3590 to establish a commission to search for disappeared persons was still before Congress. Meanwhile, searches were being conducted by other agencies. With the help of the International Committee of the Red Cross (ICRC), the National Institute for Forensic Sciences had produced a manual on best practices in forensic identification.

11. The State of Guatemala acknowledged that its Constitution was in need of reform in order to bring it into line with regional and international human rights standards. Between 2016 and 2018, the Constitutional Court had heard over 5,000 applications for *amparo*, some 1,500 of which had been fully granted and 70 in part.

12. Under the National Reparations Programme, more than 300 exhumations had been carried out between 2015 and 2018, and over 2,000 persons had received psychological support. As to reparations for victims of the internal armed conflict, the Presidential Commission for Coordinating Executive Policy in the Field of Human Rights (Presidential Human Rights Commission) had created a verification and monitoring board and an office to implement the policy on reparations for those affected by the Chixoy dam. Ninety per cent of the families entitled to reparation had received compensation, and the remaining 10 per cent would be dealt with in the coming months.

13. The Army had been relieved of civilian security duties and assigned instead to border patrols. A plan to strengthen the National Civil Police was under way, with nearly 3,000 new recruits graduating in 2017. Despite not having ratified the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty, Guatemala had taken steps to safeguard the life of all persons. A bill to abolish the death penalty was currently before Congress. The Public Criminal Defence Institute had obtained the commutation of 66 death sentences, 2 of which had been brought before the Inter-American Court of Human Rights. The Constitutional Court had upheld a constitutional challenge to the imposition of the death penalty in the Criminal Code and the Drugs Trafficking Act.

14. The homicide and crime rates continued to decline. Over 90 extortion rings had been dismantled and a record amount of cocaine (13.7 tonnes) had been seized. In February 2018 prison overcrowding levels stood at 245 per cent. A new prison administration system was being implemented, which included rehabilitation and reintegration programmes and measures to improve prisoners' access to health care, and 159 new prison officers had graduated in 2017. Congress was considering a bill to amend article 268 of the Code of Criminal Procedure, which dealt with the grounds for terminating imprisonment. The Telematics Surveillance Act, providing for alternatives to custodial sentences, was awaiting implementation.

15. The appointment of justices to the Supreme Court and appeals courts, as well as the appointment of other judicial officials, was made in complete independence by the nominating commissions established under the Constitution. Special protection had been provided to 32 judges and 10 members of the Public Prosecution Service by the Protection of Persons and Security Division of the National Civil Police. The national commission set up to support the judiciary's programme to prevent mob justice continued to organize training and awareness-raising activities.

16. Turning to the protection of human rights defenders, he said that the Unit for the Analysis of Attacks on Human Rights Defenders remained active; in addition, the Special Rapporteur on the situation of human rights defenders, during a visit to Guatemala, had helped in the formulation of policy in that regard. The Public Prosecution Service had received over 800 complaints of offences against journalists and human rights activists between 2015 and 2018. In application of the recommendations of the Human Rights Council following the third cycle of the universal periodic review, Guatemala continued to strengthen its protection mechanisms. The State itself did not criminalize the activities of human rights defenders or other militants: social protest was not an offence under the Criminal Code. In the field of labour, 13 killings of trade unionists had been referred to the International Labour Organization (ILO) between 2014 and 2017.

17. As to the protection of adolescents in conflict with the law, he said that the Social Welfare Secretariat planned to set up a reintegration centre and halfway house, partly as a means of ensuring the separation of young offenders from adults. Multidisciplinary teams had been recruited for the juvenile detention centres and vocational training programmes

were under way. The Public Criminal Defence Institute currently employed 33 defenders nationwide, 1 in each court for adolescents in conflict with the law and 11 in Guatemala City.

18. Following dialogues held at the local and regional levels, guidelines had been published on procedures for consulting with indigenous peoples in accordance with ILO Indigenous and Tribal Peoples Convention, 1989 (No. 1), and a bill to regulate such consultations had been drafted. The judiciary's Indigenous Affairs Unit had been upgraded to Secretariat rank.

19. The Head of State had extended the mandate of the International Commission against Impunity in Guatemala for a further two years in order to continue with its investigations of parallel or clandestine security organizations. In the area of mental health, in light of the precautionary measures ordered by the Inter-American Commission on Human Rights, steps had been taken to improve conditions for patients at the Federico Mora mental health hospital. Legal action had been taken against several members of the hospital's staff. Psychiatric services were being provided across the country and a psychiatric clinic for children and adolescents had been created.

20. Departmental networks to combat sexual violence and exploitation and human trafficking had been put in place, along with child protection mechanisms and a child pornography unit. Over 1,700 complaints of trafficking in persons or of profiting from trafficking in persons had been received between 2012 and mid-2017, while the courts had handed down 168 sentences for such offences. A bill to include sexting and grooming in the Act on Sexual Violence, Exploitation and Trafficking in Persons was before Congress.

21. Although the Constitution recognized the right to life from the moment of conception, a protocol was in place permitting therapeutic abortion in order to safeguard the mother's life or health, and the national health system was required to treat women on request in certain cases.

22. **Mr. Santos Pais** asked which body would be responsible for implementing the Committee's recommendations. He said that he would like to know whether civil society had been involved in the preparation of the report and whether it would be asked to help in following up on the Committee's recommendations. To date no Guatemalan citizen had brought a complaint before the Committee, or indeed before any other United Nations human rights treaty body. Given that the State party appeared to be finding it difficult to implement the sentences of the Inter-American Court of Human Rights, he wondered what action it would take on the Views issued by the Committee were such a complaint to be made. He would like to know whether the national courts had handed down any judgments applying the provisions of the Covenant.

23. He noted that the Human Rights Advocate had always enjoyed complete independence, to the extent that the new incumbent had felt able to apply to the Inter-American Commission on Human Rights for precautionary measures, which had been granted. He would like to know whether the State party intended to continue to support that independence of action. The Advocate's budget, which was set by Congress, had not changed for five years and did not appear to be adequate for an office that operated throughout the country. Moreover, delays in disbursement had hampered the payment of salaries and the Committee understood that Congress had even attempted to withhold payment of the budget for 2018. He wondered whether the delegation considered the budget of the Human Rights Advocate to be adequate. Were there any plans to increase it or to look into other modalities such as a multi-year budget?

24. With regard to equality among men, women and indigenous women, he would appreciate information on women's participation in public and political life. For example, he wondered what proportion of judges and prosecutors were women and what roles they held. He also wondered what proportion of members of the Guatemalan Congress came from indigenous communities and how many of those members were indigenous women. He would appreciate the delegation's view on whether the Elections and Political Parties Act could be improved through the reintroduction of quotas for the participation of women and indigenous persons and he would welcome information on the State party's objectives in that regard.

25. Women faced labour inequality in a number of sectors in Guatemala. That inequality took various forms, such as wage discrimination, unpaid work and a lower employment rate. With that in mind, he would appreciate further information on measures taken by the State party to monitor and finance the implementation of the National Policy on Promotion and Comprehensive Development of Women and the Equal Opportunities Plan 2008–2023, as well as information on their allocated budgets. Furthermore, he wished to know what steps the State party planned to take to increase the involvement of the Presidential Secretariat for Women and the Office for the Defence of Indigenous Women in the National Policy and Equal Opportunities Plan. In addition, he would welcome information on any measures planned by the State party to ensure that women were paid the legal wage and were not subject to wage discrimination. Lastly, he wished to know what steps the State party had taken to put an end to the use of stereotypes and discrimination against indigenous peoples and persons of African descent, what measures it had adopted to protect indigenous women and what results had been achieved by those measures.

26. Turning to the issue of violence against women, he wished to know what steps the State party planned to take to address widespread violence against women, including domestic violence and femicide, and to ensure that all cases of such violence were investigated, prosecuted and led to convictions so as to put an end to the high level of impunity enjoyed by their perpetrators. He wondered whether the State party planned to establish courts and tribunals specializing in femicide and other forms of violence against women in rural areas in collaboration with indigenous peoples. Furthermore, he wished to know what steps the State party planned to take to strengthen the National Coordination Body for the Prevention of Domestic Violence and Violence against Women and to renew the National Plan for the Prevention and Eradication of Domestic Violence and Violence against Women, which had come to an end in 2014. Lastly, he wished to know whether the State party planned to take measures to ensure adequate and timely funding for Comprehensive Care Centres for Women Survivors of Violence and whether it planned to open new Comprehensive Care Centres to extend coverage throughout Guatemala.

27. **Ms. Cleveland** said that her first set of questions pertained to issue 4 of the list of issues prior to reporting (CCPR/C/GTM/QPR/4). She wished to know whether the State party planned to adopt legislation explicitly prohibiting discrimination on the basis of sexual orientation and gender identity, including in the areas of employment, health care, education, housing and access to public services, and legislation criminalizing hate crimes perpetrated on grounds of sexual orientation and gender identity. Furthermore, she was interested to know whether the State party planned to adopt legislation to protect the right to legal recognition of gender identity for transgender persons by allowing them to change their gender designation on official identity documents. The Committee had received reports of a pending bill, that explicitly proposed to prohibit same-sex marriage and civil partnership, certain versions of which implicitly condoned incitement to hatred on the basis of sexual orientation and gender identity. She would appreciate information on the bill's current status and an explanation as to how it was consistent with the principle of non-discrimination on grounds of sexual orientation and gender identity.

28. She appreciated the delegation's update on the number of registered complaints of violence against lesbian, gay, bisexual, transgender and intersex persons and would be grateful for further information on the seven complaints for which prosecution had been completed, particularly regarding whether convictions had been secured. If so, she wished to know what sentences had been imposed and what remedies had been provided to the victims. Moreover, she wished to know how many more cases had led to investigations and prosecutions and whether the State party had taken measures to make sure that members of the lesbian, gay, bisexual, transgender and intersex community felt that it was safe to make complaints.

29. The Committee had received worrying information regarding violence against transgender women in the State party, including reports that 40 transgender women had been murdered in 2016. She wished to know what measures the State party took to promptly and effectively investigate such incidents of violence, to prosecute and punish their perpetrators and, more generally, to protect transgender women from violence. In a report published in 2017, the Inter-American Commission on Human Rights had concluded

that the murder of lesbian, gay, bisexual, transgender and intersex persons was not properly documented as such by the police in Guatemala and had recommended that the State party should develop guidelines or protocols to assist police officers and investigators in determining whether a crime was committed on the basis of prejudice against the victim's actual or perceived gender identity or expression. She wondered what measures the State party planned to take to implement that recommendation. Furthermore, she wished to reiterate a request for information on court decisions regarding lesbian, gay, bisexual, transgender and intersex persons and their rights. With respect to prisoners, the State party had indicated in its report that it had received no complaints of discrimination or violence against lesbian, gay, bisexual and transgender persons in its prison population. She wondered whether the Committee could explain the measures it had put in place to protect such persons in prisons and to ensure the presence of effective complaints mechanisms.

30. Her next set of questions concerned issue 6 of the list of issues prior to reporting. In its previous list of issues prior to reporting (CCPR/C/GTM/QPR/3), the Committee had requested information on the protection afforded to workers in the agricultural, domestic labour and maquila industries, which mostly employed women and indigenous workers. She appreciated the information provided regarding the increased activity of the Inspectorate-General of Labour, but would welcome confirmation of reports that its budget had been cut by 7 per cent from 2014 to 2016. In view of amendments to the Labour Code allowing the Inspectorate-General of Labour to issue sanctions, she wondered how many inspections had been carried out in the agricultural and maquila industries and how many and what kind of sanctions had been imposed. She also wished to know whether inspections were carried out in the domestic labour industry. Furthermore, she would be grateful for further information on the State party's elaboration of a protocol for inspection in the maquila industry; how the special regime and legal framework for the protection of domestic workers differed from that of other workers; and whether the State party planned to provide equal labour protection across the three sectors concerned. Lastly, she was interested to know the status of bill 4963, which sought to improve, regulate and alleviate discrimination against domestic workers.

31. With regard to issue 9 of the list of issues prior to reporting, she wished to know in what circumstances therapeutic abortion was allowed on medical grounds and how many such abortions had been allowed under the State party's therapeutic abortion protocol. In November 2017, the Committee on the Elimination of Discrimination against Women had called on the State party to reduce the risk of harm to women resulting from unsafe abortions; to legalize abortion in cases of threat to the health of the woman, rape, incest, or severe fetal impairment; to decriminalize abortion in all other cases; and to increase access to therapeutic abortion. She wished to know what steps the State party planned to take to implement those recommendations. Furthermore, she would welcome information on the main causes of maternal mortality in the State party, including what proportion of the maternal mortality rate was attributable to unsafe abortions. Lastly, she wished to know how effective the State party's efforts to reduce teenage pregnancy had been and what plans it had to implement the biministerial agreement "Prevent with Education" to institutionalize comprehensive sexual education and reduce the number of adolescents, indigenous women and girls, as well as women in rural areas, deprived of access to sexual and reproductive health services and contraception.

32. Turning to issue 10 of the list of issues prior to reporting, she was concerned about reports of extended delays in many of the judicial proceedings of perpetrators of past human rights violations, including the trial of Efraín Ríos Montt. Reportedly, domestic prosecutors had secured convictions in only four of the 14 judgments passed by the Inter-American Court of Human Rights and only in cases involving low-level or mid-level military officials. Numerous reports received by the Committee had indicated that there were significant legal obstacles to combating impunity, such as the misuse and abuse of legal claims such as *amparo* and recusal petitions, harassment of victims, witnesses and judges and requests for amnesty. She understood that in the *Dos Erres* and *Ixil* genocide cases, 42 and 37 requests for injunctions had been filed, respectively. Furthermore, the State party's proposal to reform the Amparo Act had been repeatedly delayed. She would therefore appreciate further information on the status of that reform and the envisaged timeline for its passage. Furthermore, she wished to know how the State party planned to

overcome other barriers to accountability. For example, she wondered how the Public Prosecution Service addressed frivolous litigation against those involved with transitional justice cases and what protective measures were taken to prevent the harassment of victims and judges. She wished to know whether the *Molina Theissen* case had begun on 1 March 2018, as scheduled.

33. More generally, she was interested to know what measures the State party had taken to ensure compliance with the judgments of the Inter-American Court of Human Rights relating to accountability for past human rights violations. The Committee had received reports that a bill had been submitted to the Guatemalan Congress in March 2018 proposing a general amnesty for all crimes committed by State authorities during the internal armed conflict, which would include the liberation of all officials previously prosecuted or currently on trial for crimes against humanity and other serious human rights violations. She wished to know whether those reports were correct. If so, she wondered how such a bill was consistent with the State party's obligations under the Covenant. With regard to the estimated 45,000 enforced disappearances that had taken place during the internal armed conflict, she wished to know what steps the State party had taken to establish a national search commission for disappeared persons and a single, centralized register of disappeared persons. Lastly, she wished to know whether the State party had a procedure in place to allow survivors of enforced disappearance to claim a declaration of absence and whether it planned to ratify the Convention on Enforced Disappearance, which it had signed in 2007, and accept the competence of the Committee on Enforced Disappearances.

34. **Ms. Brands Kehris**, speaking in relation to issue 11 of the list of issues prior to reporting, said that the amount of money spent by the State party on its National Reparations Programme between 2012 and 2015 was significantly lower than the Programme's allocated budget for that same period. She was therefore interested to hear about any barriers to the implementation of the budget and wished to know why there had been such a large discrepancy. The Committee had received reports of continued delays in the processing of requests for compensation. She would therefore be grateful for further information on the status of collective compensation measures, including information on the time frame for the adoption of the regulatory framework mentioned in the delegation's opening remarks. Furthermore, she wished to know what measures had been taken since 2015 on such aspects of compensation as knowing the truth, justice for victims and ensuring non-repetition. The Committee had also received reports that changes had recently been made to the National Reparations Programme that had weakened the role of civil society and human rights organizations representing victims, among other things. With that in mind, she was interested to know what steps the State party had taken or planned to take to ensure the substantial improvement of the National Reparations Programme in the future. Lastly, she would appreciate an update on the allocated and effective budgets of the National Reparations Programme for 2016 and 2017, both overall and broken down by component, and an explanation as to why that budget had been sharply reduced. Lastly, she wished to know what the State party planned to do in 2018 to ensure compensation for victims of human rights violations and whether it had plans to improve the National Reparations Programme. If not, she wondered whether the delegation could describe the obstacles to the Programme's effective implementation and improvement.

35. **Mr. de Frouville** said that, as mentioned in the delegation's opening remarks, in 2012 the State party's Constitutional Court had declared that the definition of torture contained in the Criminal Code was unconstitutional by way of omission and that it would need to be amended to be brought in line with international instruments. He therefore wondered whether a bill had been submitted proposing such an amendment. The State party had indicated in its report that it had received 4 complaints of acts of torture between 2010 and 2015, but in its opening remarks, the delegation had indicated that only 10 complaints had been received between 2015 and 2017. He wondered whether that figure was correct. He would also appreciate clarification as to how only one of the four complaints of acts of torture registered between 2010 and 2005 had led to a conviction and whether that was a sign of widespread impunity. Furthermore, he would welcome information on any mechanisms in place to provide reparation for victims of acts of torture.

36. The Committee had received reports that the preventive mechanism established pursuant to the State party's ratification of the Optional Protocol to the Convention against Torture was not operational and that three of its five members had completed their mandates on 25 March 2017, but that their replacements were yet to be selected by the Congress. He therefore wished to know when those replacements would be selected. In addition, he wondered whether it was true that the Congress planned to amend its legislation on torture prevention to the effect that the number of members of the mechanism would be permanently reduced from five to three. If so, he wished to know the reasons for such an amendment, which would surely make it even more difficult for the as yet unsuccessful mechanism to do its job.

37. With regard to issue 13 of the list of issues prior to reporting, the State party had indicated in paragraph 128 of its report that it had increased the budget allocated to the National Civil Police between 2012 and 2015. He would, however, appreciate clarification of the figure mentioned in that paragraph, as its relation to the budget of the previous cycle was unclear. Furthermore, the State party had indicated that it had increased the number of police officers employed by the National Civil Police to around 39,000. However, in paragraph 130 of the State party's core document (HRI/CORE/GTM/2012), it was stated that the Ministry of Interior had estimated that at least 60,000 police officers would be required to meet the country's security needs. He therefore wondered whether 39,000 police officers could be considered to be enough and whether the State party planned to continue to recruit more police officers with a view to reaching the desired figure of 60,000.

38. He would appreciate clarification regarding the procedure by which complaints made against officers of the National Civil Police were handled, as it seemed that, in at least some cases, officers found guilty of acts of torture received only administrative penalties. In that connection, he wished to know how it was decided that criminal proceedings should be instituted in response to a particular complaint and what kind of protection was provided for victims. The Committee was concerned that disciplinary penalties could be imposed in cases of ill-treatment and that, in cases in which serious injury had been inflicted, the conviction rate was extremely low.

39. With regard to the long-standing plan to end the involvement of the armed forces in public security activities, he wondered how the members of the armed forces currently involved in such activities would be redeployed. Lastly, it was unclear whether any of the soldiers who had fired on a group of indigenous demonstrators in Totonicapán in October 2012 had been prosecuted and what measures had been taken to prevent such incidents.

40. **Mr. Muhumuza** said that he would appreciate information on the political, economic and social participation of persons of African descent in Guatemala and on the efforts being made to promote their participation in those spheres.

The meeting was suspended at 4.30 p.m. and resumed at 4.55 p.m.

41. **Mr. Borrayo Reyes** (Guatemala) said that his Government fully recognized that the successful operation of national human rights institutions depended on respect for the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). In accordance with the Constitution, the Human Rights Advocate had a mandate from Congress to protect human rights. The Presidential Human Rights Commission implemented the relevant standards of the Inter-American human rights protection system with a view to protecting the Human Rights Prosecutor. The Commission's two functions were to coordinate human rights policy across the Government and to protect human rights defenders. On 14 March 2018, the Human Rights Prosecutor and the Presidential Human Rights Commission would both participate in an inter-agency meeting at which future strategies for coordination and policy implementation would be discussed.

42. With regard to training for judges, the Presidential Human Rights Commission coordinated with the judicial authorities to organize workshops and seminars on international human rights instruments, including the Covenant. Talks had been held with the President of the Supreme Court to consider further capacity-building initiatives for the judiciary with a focus on the rights of persons who had been forcibly evicted.

43. Following a process of consultation, the Presidential Human Rights Commission was working with international partners to introduce a system to monitor the implementation of recommendations made by international bodies. In January 2018, the United Nations Children's Fund had offered to assist the Government in making one set of such recommendations available in the principal Mayan languages. The Presidential Human Rights Commission had held inter-agency meetings to discuss the development of policy measures to protect the rights of lesbian, gay, bisexual, transgender and intersex persons.

44. **Ms. Teleguario Sincal** (Guatemala) said that the Ministry of Labour and Social Welfare had organized various initiatives to reduce the gender pay gap, including awareness-raising campaigns, advisory services and capacity-building exercises with a focus on the protection of labour rights. The Ministry had worked with the International Labour Organization (ILO) to launch and promote a campaign entitled "Yes to the ILO Domestic Workers Convention, 2011 (No. 189)". In 2015 and 2016, the General Labour Inspectorate had carried out 845 inspections and had reached over 100,000 workers in the process. Companies focused on the export market and maquila factories were also regularly inspected.

45. The Labour Code had been reformed under Congressional Decree 7-2017, which, inter alia, had granted the General Labour Inspectorate the power to impose penalties in order to deter non-compliance with labour legislation. Other measures had also been taken to strengthen the legislative protection of civil and political rights.

46. The Tripartite Commission on International Labour Matters had decided that domestic work should be regulated, as it was one of the worst forms of child labour. To give effect to that decision, the Government had submitted bill No. 4981 on the ratification of ILO Convention No. 189, which had been welcomed by the congressional committee on labour. It was awaiting final approval. In 2016, over 1,900 complaints involving a range of labour issues had been received from women working in private residences. In the agricultural sector, 213 women facing similar issues had been reached.

47. **Mr. Dávila Mejicanos** (Guatemala) said that, in recent years, women had represented an increasingly small proportion of murder victims. The specific needs of vulnerable groups, including lesbian, gay, bisexual, transgender and intersex persons, were taken into account in the organization of rehabilitation programmes for victims of crime. The rights of such groups were covered in the training courses organized for prison officers and administrative staff. In addition, the Ministry of the Interior had taken steps to raise awareness of the rights of lesbian, gay, bisexual, transgender and intersex persons among officers of the National Civil Police.

48. The budget allocated to the National Civil Police in 2018 was nearly 4 billion quetzales. There were plans to hire 3,000 officers in 2018 and an additional 3,000 in 2019, such that the total number of officers would amount to over 46,000 by the end of 2019. It was expected that the target of 60,000 officers would be reached within six years. The Office of the Inspector General of the National Civil Police investigated complaints made against officers of the National Civil Police. In addition to any applicable criminal penalties, administrative penalties could be imposed on officers against whom complaints were upheld. The administrative penalties included dismissal without pay.

49. The President had recently announced that the plan for the withdrawal of the armed forces from public security activities would become effective on 31 March 2018. Members of the armed forces who had previously been involved in such activities would be redeployed to border areas. Guatemala faced a range of threats of a transnational nature, including drug trafficking.

50. **Mr. García Morales** (Guatemala) said that the National Institute of Forensic Sciences collected disaggregated data on sexual abuse. Over the period 2015–2017, the number of reported cases of sexual abuse had remained relatively stable at approximately 7,000 for women and 800 for men. Measures had been taken to encourage victims of sexual abuse to come forward, in particular in the interior of the country. Inter-agency agreements had been concluded, including with the Ministry of Health, to ensure that cases of sexual abuse identified in clinical settings were reported to the appropriate authorities. The National Institute of Forensic Sciences had made efforts to remove some of the barriers that

caused victims to drop their claims. Those measures had caused the proportion of victims who did so to fall significantly between 2016 and late 2017.

51. It was difficult to estimate the number of women who died as a result of abortion each year. Nevertheless, efforts were being made to establish a system to identify likely cases with a view to producing more reliable estimates.

52. It should be borne in mind that only 3 of the 35 or so requests for injunctions registered in 2017 concerned serious historic human rights violations. The case of Mr. Ríos Montt was one of those cases.

53. **Ms. Véliz López** (Guatemala) said that women held 66 per cent of management positions in the Public Prosecution Service and 41 per cent of positions in the tax unit. Over the period 2014–2017, the number of women hired by the Public Prosecution Service had increased by 3 per cent.

54. In 2016, the Public Prosecution Service had launched a "panic-button" smartphone application for women, which had since been downloaded tens of thousands of times. The average age of users was 34 years. The application had recently been updated to include a "shake" function, which notified the appropriate authorities in the event that a smartphone to which the application had been downloaded was shaken continuously for a certain number of seconds. There was a telephone helpline for women who did not have access to a smartphone. Over 24,000 complaints and over 600 emergency calls had been received via the helpline.

55. The Office of the Prosecutor for Women's Affairs provided services for Mayan women and in the K'iche' and Kaqchikel languages. The trial in the *Molina Theissen* case had opened on 1 March 2018, and police protection had been provided for the family of the victims. With regard to offences against lesbian, gay, bisexual, transgender and intersex persons, 4 convictions had been handed down and 37 decisions for *criterio de oportunidad* (leniency for criminal informants) had been issued.

56. **Mr. Borrayo Reyes** (Guatemala) said that civil society participated in the development of proposals for policies regarding the activities of both the Presidential Human Rights Commission and the Government in general.

57. **Mr. Figueroa Álvarez** (Guatemala) said that according to official sources, the rate of maternal mortality had recently decreased, which was attributable to several factors, including measures pursuant to the Act on Midwives, the reinstating of the Committee on Maternal Mortality and the use of misoprostol to reduce post-partum haemorrhage. Prenatal and natal care in rural areas would be improved by a university midwifery programme currently being implemented.

58. Regulations governing the comprehensive and differentiated care of female adolescents had helped to lower the rate of pregnancy among girls under the age of 14 years; that rate, although still high, had recently fallen. A number of strategies were in place to prevent adolescent pregnancy, including the delivery of services at nearly 400 teen-friendly centres. Over 150 dedicated networks and more than 60 specialized schools provided education on responsible parenting.

59. **Mr. Borrayo Reyes** (Guatemala) said that the various State institutions, of which the Presidential Human Rights Commission, included female representation from the four major ethnic communities in the country, namely, the Ladino, Maya, Garifuna and Xinka.

60. **Mr. de Frouville** said that he would welcome additional information on the human rights abuses carried out by the police force; in particular, he would appreciate details on the number of complaints of such abuse, the number of investigations under way and the conviction rate. He would appreciate clarification on the process whereby members of the police force were prosecuted for acts of torture or ill-treatment. In addition, he wished to know whether the armed forces had been deployed to border areas in order to deal with illegal immigration and, if so, he would like to hear about the framework for the corresponding operations.

61. **Mr. Koita**, recalling the importance of the principles enshrined in instruments such as the International Convention on the Elimination of All Forms of Racial Discrimination

and noting that other countries in the region had adopted measures to eliminate the conditions which caused or perpetuated racial discrimination, asked whether the State party was contemplating the implementation of similar measures.

62. **Mr. Shany** said that in 2015, the Inter-American Commission on Human Rights had published a report which drew attention to the State party's lack of a framework within which to address the issues faced by Guatemalan returnees. It would be interesting to learn about the steps taken to follow up on the report.

63. **Mr. Santos Pais** said that he would welcome an account of how the establishment of various offices of special prosecutors and the training given to prosecutors, police officers and judges had helped to address the problems associated with the processing of complaints of sexual and domestic abuse. In addition, it would be useful to hear more about the system under which prosecutors dealt with cases of such abuse, including details on services provided in remote areas and information on common procedures.

64. **Ms. Cleveland** said that it would be interesting to hear the delegation's comments on reports which indicated that every year, an estimated 65,000 unsafe abortions took place in Guatemala and that unsafe abortions were a leading cause of maternal mortality in the country. She wished to know whether the State party kept data on the causes of maternal mortality and whether emergency contraception was generally available to the population.

65. **Mr. Borrayo Reyes** (Guatemala) said that several measures were in place to address the needs of the various cultural communities in his country, including people of African descent and indigenous peoples. However, budgetary limitations affected the significant efforts made to comply with the relevant international requirements. Nonetheless, through activities such as an upcoming festival celebrating human rights, Guatemala continued to promote awareness of the subject.

66. **Mr. Figueroa Álvarez** (Guatemala) said that the main cause of maternal death was post-partum haemorrhage, followed by the complications brought on by hypertension and those related to abortion. Abortion was illegal, except where justified by medical reasons. Most abortions were non-therapeutic and such abortions were a major cause of maternal death.

67. **Ms. Véliz López** (Guatemala) said that investigations into allegations of torture could be initiated either by the lodging of a complaint with the National Civil Police or by judicial notice. There was an official record of over 4,000 complaints filed against members of the National Civil Police force; the acts in question had constituted common offences lesser than the crime of torture. As a result of the complaints, 1,300 persons had been brought before the courts and 459 sentences had been handed down.

68. Nearly all departments had an office of the Special Prosecutor for Women, which addressed cases of sexual and domestic violence. Sexual offences were investigated by a dedicated unit which operated in Guatemala City and in the departments of Quetzaltenango and Alta Verapaz. Special protocols had been adopted for the treatment of victims of human trafficking and other offences. Coordination between the Public Prosecution Service and the judiciary sought to prevent the suspension of hearings related to cases of gender-based violence.

69. **Ms. Ochoa Escribá** (Guatemala) said that the ruling which had declared the definition of torture in the Criminal Code unconstitutional on grounds of omission was based on the need to reflect the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and of the Inter-American Convention to Prevent and Punish Torture. The matter was currently before Congress.

70. **The Chair** reminded the delegation of the option to submit its responses in writing within 48 hours of its dialogue with the Committee.

The meeting rose at 6 p.m.